

Quid Novi

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In This Issue...

3. How Mature Are We Really?
4. Why I Submitted My Notes to Pubdocs
5. The Week in Review
7. Chico Kicks Off the Season in Style
Les aventures du Capitaine corporate America
8. Harvard Goes to Asia: Notes from the Tokyo
2005 HPAIR Conference
9. La Lumière
10. Just the Facts, Man: Of Truth and Bullshit
12. There's Nothing Quite So Satisfying as Good,
Healthy Rivalry...The Malpractice Cup is
Back!

QUID NOVI

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Editorial

Is it just me, or...

After spending some five-odd million dollars on renovating the McGill gym facilities, could not the powers-that-be have sprung for shower curtains in the women's locker room that actually cover the shower opening? (Unfortunately, due to a lack of first-hand experience, I can't tell you if the same lack of privacy afflicts the men's locker rooms). I don't ask for much – an extra 8 inches ought to do the trick. Just enough so that the edge of the curtain actually stays put past the edge of the shower stall, without the need to try to arrange your towel in a way that will protect yourself from unintentional flashing.

Could the same powers-that-be not have arranged for a couple of fans to be brought into the Sports Centre during the first few weeks of the year, when the air conditioning was not yet functioning and the temperature and humidity inside the building was worse than the humidex 38 weather outside?

Please, for the love of all things good and holy, can we not bring back the TVs for the cardio machines? For those of us who are trying to remain vaguely in the area of decent cardiovascular shape, plodding away on a machine is made exponentially difficult by facing a nearly-windowless concrete wall, without the boob tube for distraction. At least in the pre-renovation Sports Centre, there was the window view of des Pins for amusement.

Don't get me wrong – I'm so glad they've renovated. Just these small requests and I'll be happy.

L.M.

How Mature Are We Really?

by Anna Haliotis (Law II)

I recently read an article by George Lowenstein and Richard Thaler called "Anomalies: Intertemporal Choice". Its main premise is that although economic behavior is typically explained by assuming that agents have "stable, well-defined preferences and make rational choices," in fact, this is often not the case. Rather, human behavior seems to reveal very short-sighted preferences. For example, faced with the option of purchasing a cheaper, less energy efficient home appliance or a more expensive, more energy efficient appliance (whose extra cost would be recovered after a year of energy savings) many consumers opt for the less expensive appliance. This seems to fly in the face of economic theory. According to the authors, time perception plays a big role here. People appear to be more receptive to short-term benefits; long-term gains need to be very substantial in order to be taken into consideration.

I can't say that I found this pattern to be all that surprising; after all, we live in a short-sighted, "quick fix" culture that encourages people to seek benefits NOW!! Let's face it; "Just do it" sounds much cooler than "Think it over carefully and after weighing the pros and cons make a rational decision." I don't think we'll be hearing that one in any Nike commercials any time soon. Although it feels great to save in the moment, I wonder if many of us have lost the ability pass up that feeling in exchange for sounder economic planning. Have we lost our grip on impulse control in general? The authors give a great example which

most can relate to:

"In the morning, when temptation is remote, we vow to go to bed early, stick to our diet, and not have too much to drink. That night we stay out until 3:00 a.m., have two helpings of chocolate decadence, and sample every variety of Aquavit at a Norwegian restaurant."

Although, staying out late, indulging in sweet treats, and having a few too many drinks on a Saturday night is relatively harmless, when this lack of foresight extends into the economic realm the issue becomes more serious. We have to question just how in-control we actually are of our lives and our futures. Who is sovereign, the well-intentioned far-sighted self, or the impulsive near-sighted self? An interesting study was conducted by Lowenstein and Sicherman in 1989. They polled 100 adults at the Museum of Science and Industry in Chicago and asked respondents to choose between several hypothetical jobs. All of the jobs were identical, lasted six years, and paid the same amount- the only difference was in the distribution of pay over the six years. One option was to have a steadily increasing wage, another was to have a steadily decreasing wage, and lastly, respondents could choose to be paid the same amount every year. Remember, in each case the *total* amount of money given out over the six year period would be the same. One would think that most people would want to get as much of the money as possible sooner rather than later so as to be able to invest it, or at

least to have it at their disposal. In addition to interest, almost every economic consideration in this scenario favored the job with declining wages. If the person chose to quit, or got fired before the six year mark he or she would walk away with greater total payment. Surprisingly, however, only 12% of the subjects selected this option. Another 12% opted for the equal pay per year choice. All of the remaining people polled, a whopping 76%, favored a steadily increasing pay profile- despite its economic disadvantages. So, what are we to make of this? Could it be a reflection of an awareness of our own lack of self-control? Do we have so little faith in our ability to save and plan that we'd rather sacrifice economic profit for a guarantee that we won't spend six years worth of income in two?

The recent sprouting up of a multitude of short-term money lenders says a lot about the number of people who have trouble managing their finances. These creditors offer to pay a person's salary before pay-day in exchange for massive interest charges on the money owed back to them. Economically speaking, this sort of borrowing makes no sense in the long-term. In the short-term, however, such services can be tremendously helpful to a person in a financial bind. With the outrageous interest being demanded, many find these companies to be unethical and are calling for their banning or, at least, their regulation. Yvan Pelletier's article "La justification morale de l'intérêt" addresses the interaction between money and morality ►.

According to Pelletier, any and all economic profit is unjust. Instead he advocates equal trades. Although this economic model allows for the factoring-in of time and effort into the final price of the good, it still demands that no profit additional to these considerations be made. While this would certainly do away with short-term money lenders (and long-term ones for that matter) is this a viable solution? In a model premised on equal trade, where is the incentive to

undertake economic endeavors? Furthermore, and perhaps more importantly, should we be calling for legislative regulation or elimination of schemes with large profit margins on the basis of immorality or should the onus be placed on the consumer to act responsibly? After all, no one is coerced into going to creditors for money; most do so because without this lent money they would be in dire straits. Is it fair or right to eliminate this option? We start off as children,

ignorant to the ways of the world, in need of parental guidance. As adults we are supposed to be mature enough and informed enough to be able to make, and take responsibility for, our choices. So which is it: has our development been stunted by popular culture ...or do grownups need parenting too? ■

[The forgoing article reflects a discussion which took place in my Law and Poverty class] - A.H.

Why I Submitted My Notes to Pubdocs

by Joshua Krane (Law II)

I vividly recall being rushed through my first year orientation, caught up in a whirlwind of new experiences and new information. I remember the conclusion to the "Welcome to Legal Methodology" lecture very well. A representative from the LSA pointed to a power point slide and introduced the first year class to a virtual databank of law school information known as "pubdocs".

I remember sitting in the lecture room thinking to myself, my classmates and I are bright and talented students, why should we rely on the work of others?

Throughout the course of the semester, however, I became more

acquainted with pubdocs. Pubdocs is very much like the common law of law school. Although I tried to be diligent about my readings, I could never complete the required work on my own. Like a common law judge, I had to consult the vast pool of information to reaffirm my own perspective on a case or problem. Knowing that a predecessor had agreed or disagreed with my interpretation provided me with a greater sense of security.

As a law student, I also have come to appreciate the professional obligation that I share with my fellow students and soon to be fellow lawyers. The survival of our profession depends on lawyers' dedication to the training of

younger lawyers. As students we, too, have an obligation to perpetuate the profession.

I do give a warning, however. Like the common law, there is a danger in mechanical consultation of past precedent; that is, the user of the information on pubdocs may not consider for him/herself the meanings of particular words, sentences, holdings, and rules. Therefore, for all of the first year users of pubdocs, although this databank can be a helpful tool, it is only that – a tool. Be careful not to abandon the faculties that got you into law school. Good luck to everyone in the first year class. ■

Have an Opinion?

Write about it for the Quid!

Submit by 5:00 Thursdays to quid.law@mcgill.ca

The Week in Review

by Jason MacLean (Law III)

Newly declassified portions of the 9/11 Commission Report revealed that the FAA had warned in 1998 that Al Qaeda operatives could "seek to hijack a commercial jet and slam it into a U.S. landmark," although the FAA thought this was "unlikely." Delta and Northwest both filed for bankruptcy. Massachusetts Governor Mitt (a.k.a. "Mitt the Twit") Romney suggested wiretapping mosques. Chicago was considering a proposal to ban *foie gras*. "Our culture," explained an alderman, "does not condone the torture of innocent and defenseless creatures." Chuck E. Cheese restaurants were showing Defense Department footage. "We support what our troops are doing over there," said a Chuck E. Cheese representative. "Helping kids."

A summit of world leaders met at the United Nations in New York City. At the summit, President George W. Bush was photographed writing a note to Condoleezza Rice. "I think I MAY NEED A BATHroom break?" read the note. No word on Condi's response.

Supreme Court nominee John G. Roberts Jr. was questioned by members of the Senate and managed to avoid direct answers to many of the questions posed to him. He did reveal, however, that "Dr. Zhivago" and "North by Northwest" were his favorite films. Antiabortion groups felt that Roberts was doing just fine. A federal judge in San Francisco ruled that requiring students to recite the Pledge of Allegiance in public

schools is unconstitutional. "Undoubtedly," read the court's decision, "the pledge contains a religious phrase." The Dutch government announced that it would track every citizen from birth in an electronic database. Eighty-seven journalists were arrested for protesting against Nepalese restrictions on the media, and the Supreme Court of Nepal ruled that it was "evil" to force menstruating women to live in cowsheds.

Martha Stewart began the next phase of her rehabilitation with a prime-time television show, "The Apprentice: Martha Stewart," which had its premiere on Wednesday. Her catchphrase is not the Trumpish "You're fired!" but the sorority-sisterish "You just don't fit in." One sign of a warmer Martha: on her daytime show, which aired the previous week, everyone wore crocheted ponchos, similar to the one she had on when released from prison. Her Web site is now selling them, with all profits going to women's charities. Can "The Apprentice," which depends on nasty personalities and catfights, mesh with the new Martha Stewart? And will the audience buy the fuzzy-poncho version of Martha? If the first week of ratings is any indication, the outlook may not be promising. Ratings for "The Apprentice: Martha Stewart" were about 30 percent lower than both NBC and its competitors expected, one network executive said. Indeed, it was the smallest audience ever - only about seven million viewers - to watch an original

episode of "The Apprentice."

The Vatican, meanwhile, was investigating all 229 Roman Catholic seminaries in the United States for evidence of homosexuality, and Pope Benedict XVI spoke to an exorcists' convention, encouraging the audience to "carry on their important work." The confirmed death toll from Hurricane Katrina rose to 883, with 663 of those in Louisiana. About \$9.8 billion had been spent so far on the relief effort, and it was estimated that up to \$200 billion remained to be spent. President Bush promised to rebuild the communities that had been destroyed by the hurricane. "To the extent that the federal government didn't fully do its job right," he said, "I take responsibility." A poll showed that only 35 percent of Americans approved of the President's handling of the Katrina crisis. Karl Rove, "The Architect," was named to head the relief effort in New Orleans. Many uninsured evacuees from New Orleans were receiving medical care for the first time in years. A 73-year-old New Orleans woman was being held on \$50,000 bail for allegedly looting sausages. In Spokane, Washington, a man was in trouble for breaking into another man's house and smearing the first man's naked, sleeping body with chocolate frosting, then opening a dog pen in the hope that a dog would eat the frosting. ■

MCGILL HEALTH LAW PUBLICATION CALL FOR APPLICATIONS

The McGill Health Law Publication (MHLP) is currently accepting applications from law students of all years for its managerial and editorial boards.

The Publication is a new, student-led project that will publish an online peer-reviewed compilation of scholarly articles covering a range of topics concerning health policy, medicine, and law, in the fall of 2006. This is a pilot project with a view to assessing the long-term sustainability of an academic journal in health law and policy at McGill's Faculty of Law.

The following positions are available:

Editorial Team

Senior Executive Editor

English Editors

French Editors

Managing Team

Managing Editors

Webmaster(s)

The time commitment required for these positions will be approximately 3-4 hours per week, depending on the phase of the Publication.

To apply, submit a CV and letter of intent to the envelope marked "McGill Health Law Publication" posted on the board outside the LSA office **by 17:00 on Thursday, October 6, 2005**. Letters of intent will be regarded as writing samples and shall not exceed two pages in length. Please include why you are interested in working with the MHLP, which position(s) you would like to be considered for, and any relevant skills or experience. An interview process will begin on Thursday, October 13. As all candidates will be notified by email for an interview, be sure to include your email as well as a telephone number.

If you have any questions, feel free to contact:

daniele.ambrosini@mail.mcgill.ca

rubyashtar@gmail.com

gillian.nycum@mail.mcgill.ca

Chico Kicks Off the Season in Style

by Michael Hazan (Law IV)

Chico Resch, the Faculty's only intramural B ice hockey squad, opened the 2005-2006 season with a 6-1 victory over a depleted Simeson team last Sunday night. Newly minted team Captain Casey Leggett exclaimed that "this was a good start, but the B league has seen nothing yet. We have barely shaken off the rust."

The new lineup is filled with eager rookies and some savvy veterans hoping to capture the glass championship mugs that narrowly escaped their grasp last year. The first ten days of school were filled with some heavy recruiting by Leggett and company, who are thrilled with the new lineup. The team will undoubtedly miss ex-Middlebury and McGill Redmen standout Matthew "I dress myself" Singerman, Speedy Sam Adkins and GI Joe Adams. However, judging by Sunday's performance, it doesn't appear that Chico has missed a beat. The team jumped out to an early lead and never looked back.

Returning to the Chico fold are Ian Osellame, Ken McKay, Mike Hazan, Steve Gough, Steve Lowe, Adam Zanna, goalie Mike Eldridge and Professor David Lametti. Lametti, fresh off his year in the Italian Superleague, is eager to show off his enhanced skills.

Making their Chico debut were Giant Geoff Conrad, Frédéric "Le Flash" Desmarais, Will "The Thrill" Darling, T-bone Tyler Harlton and Bob "The Mountain" Moore. Moore came into the game in tip-top shape, scoring 4 goals to lead Chico to victory. "I was hoping to tie Steve Gough's record 5-goal debut from last year but I guess some records are not meant to be broken," said Moore after the game.

Moore's arrival to Chico has stirred a bit of controversy within some circles at the Faculty. It appears that Superior Force, the Faculty's C team, is unhappy with Chico's recruiting of Moore, who played with the Force for the last two seasons. The Force hierarchy led by JM, KM, RI and BA (their full names have been omitted to protect their identities) have resorted to stare downs of certain Chico players and some grumbling about moral obligations to protest Moore's defection. When speaking to reporters after the game, Leggett was quick to deflect criticism, stating "it was Moore's decision to make but if

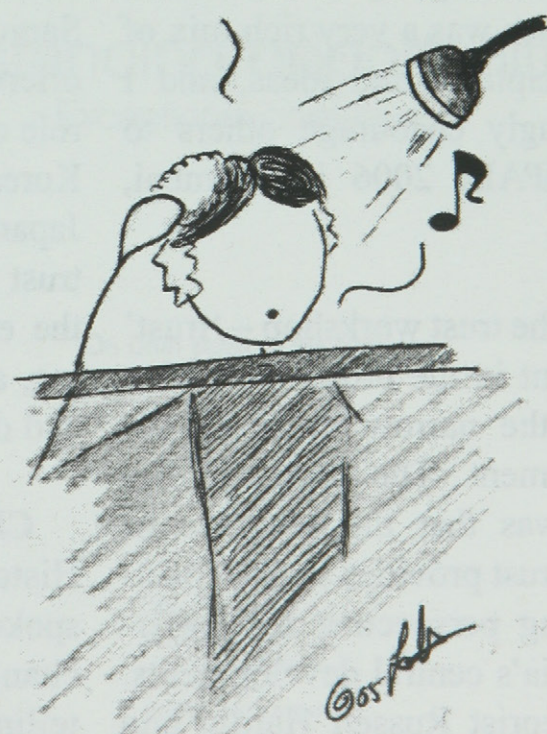
Force has a problem we could have an exhibition game to decide Bob's fate, provided that all ticket sales go support the victims of Hurricane Katrina."

Chico's next game is a rematch of last year's championship game against Pines Power who captured the title with twenty seconds left on a goal by Marc "Benedict Arnold" Purdon (Law III). Come and support the team on Sunday, October 2 at 4pm at the McConnell Arena. ■

Les aventures du Capitaine Corporate America

par Laurence Bich-Carriere (Law II)

C'est un p'tit bonheur
Que j'avais racheté.
Il était tout en pleurs,
on allait l'licencier
Quand il m'a vu passer,
il s'est mis à crier :
«Monsieur rachetez-moi,
'faut sauver mon emploi!»



La faute au syndicat
sur l'air du Petit bonheur de Félix Leclerc

Harvard Goes to Asia:

Notes from the Tokyo 2005 HPAIR Conference

by John Haffner (Law II ***)

The Harvard Project for Asian and International Relations (HPAIR) – a joint initiative of Harvard students and faculty – held its annual flagship conference this past August in Tokyo. A different location in Asia has acted host to HPAIR for each of the last 12 years, and this year it was Japan's turn to play host for the first time. With the help of corporate sponsors, the conference included 700 students from 53 countries, including a rumoured handful from our faculty.

The conference featured workshops on trust, security, contemporary art, health policy, immigration, and higher education. On three of the four days, academics and community leaders led the discussions; the other day provided an opportunity for graduate students to share their papers. There were also conference-wide plenary sessions on important themes like changing Asian demographics and Asian free trade prospects. In short, the conference was a very rich mix of people, disciplines and ideas, and I would strongly encourage others to apply to HPAIR 2006 in Mumbai, India.

I was in the trust workshop – 'trust' here is meant in the broad normative sense, not the narrow sense of the legal instrument. The thesis of the workshop was that the presence or absence of trust provides an unexpectedly unifying perspective for understanding Asia's central developments. Political theorist Russell Hardin and social psychologist Yamagishi Toshio kicked things off: Hardin offered a theory of what makes a person trust-

worthy, while Yamagishi offered research and ideas on how people can become more trusting. Susan Pharr, a political scientist, examined the complex relationship between trust and the growth of civil society in Asia, especially in Japan. Theodore Bestor, an anthropologist, joked that where political scientists like Pharr look at the trees, his work keeps him busy examining the shrubs. Drawing on his recent book, *Tsukiji: the Fish Market at the Centre of the World*, Bestor described the intricate system of rules Tsukiji fish vendors have devised for assigning stalls in the market: a rule-based solution in the absence of trust.

The trust workshop included two corporate speakers: one good, one bad. A speaker from Bayer, a conference sponsor, delivered a generic infomercial on Bayer's commitment to corporate social responsibility, and made no attempt to relate his discussion to Asia. By contrast, Richard Samuelson from UBS Securities offered an interesting account of the role of trust in the business context in Korea and Japan. Samuelson believes Japanese lenders are now beginning to trust entrepreneurs, especially with the emergence of mezzanine financing, a cross between equity financing and debt.

China also featured prominently. Historian Roderick MacFarquhar spoke about how, for all of China's changes, Chairman Mao's corpse tellingly remains at the centre of Tiananmen Square: the country is still recovering from the Cultural Revolution, which pitted husband

against wife and child against parent. I asked MacFarquhar whether he agreed that Chinese leaders want to transition to a more open society, only gradually, perhaps mindful of the failure of rapid reform in the former U.S.S.R. His response was emphatic: "Chinese leaders do not want a transition, period." Perhaps so, but time will tell whether the country can continue massive economic reform without political reform following in its wake.

Another highlight was a surprise visit from Japan's Princess Masako during a trade plenary session at the University of Tokyo (Todai), one of her alma maters. Like many people, I feel sorry for the Crown Princess: educated at Harvard, Oxford and Todai, she was a rising talent in the foreign affairs ministry before duty called and she married the Crown Prince. Under immense pressure to produce a male heir, she gave birth to a girl, and has since fallen into a deep depression. Boredom must be an exacerbating factor in her doldrums: despite her gifted mind and keen interest in global affairs, the Princess lives in almost total seclusion at the imperial palace.

Perhaps the most interesting moment came on the final day, when the workshop at last directly engaged the most important trust issue in Asia: international relations between Japan, China and Korea. The North Korean threat was one topic, and Korea specialist Ed Baker underscored the importance of a diplomatic solution (this may at last be happening). The other topic was Japan's history of ▶

aggression, and the failure of Asia to reconcile despite the many decades that have passed. Fujiwara Kiichi argued that most Japanese did not want to forget the past, but rather remember it selectively, a distinction that I found less than reassuring. I was not the only one. A Chinese student from the University of Nanking – a city where Japanese forces committed terrible atrocities against Chinese civilians in 1937 – asked Fujiwara, with some agitation, how the Yasukuni Museum in Tokyo has the audacity to claim that residents of Nanking were “able to live in peace” once the Japanese troops defeated Chinese forces, with no mention at all of the civilian massacre. Fujiwara was sympathetic to the question, but not to the questioner’s tone.

China, of course, is equally good at erasing records of its own historical

horrors. But Japan claims to be a democracy, allows free speech, and now wants a permanent seat on the U.N. Security Council on the basis that it is a responsible leader. Arima Tatsuo, Special Envoy of the Government of Japan, made a calculated appeal in the final trust session along these lines. But if Japan wants to be seen as a leader, it should be judged as one: Asia remains a volatile collection of painful, unresolved memories, and the moral burden remains on Japan to come clean on all aspects of its history in Yasukuni Museum and elsewhere, as Germany did long ago in Europe. There is perhaps no greater obstacle or potential opportunity for improved trust in the Asian region.

The conference thus began as an academic gathering but ended, for me at least, with much broader implica-

tions. Nationalism is on the rise in Asia, especially among young people, and the Internet is fanning the flames. But at HPAIR each year, a few lucky students and academics experience the potential of a pluralist Asian community characterized by civility, candid dialogue, and humanist concerns. Asia is the most dynamic region in the world, and HPAIR is doing its small part to channel that dynamism in peaceful and productive directions. Bravo.

Thanks very much to the LSA and the Dean’s Discretionary Fund for kindly helping with my travel expenses to Japan. On October 5th I will share my HPAIR paper, “The Role of Trust in Addressing China’s Environmental Challenge,” at an APLAM event in our faculty, location TBD ■

Le coin de la poésie

Ta lumière

Au plus sombre des nuits,
Elle transpire les ténèbres
Au plus morbide des silences,
Elle brise le calme torride.

Elle qui me ressuscite
Des cauchemars de la vie
Elle qui vient comme un éclair
Pour m’immerger dans l’existence.

Ta lumière qui brille
Au fond de toi
Et qui se rapproche
De la chaleur du soleil.

Ta lumière qui me donne espoir
Et qui m’inspire
Qui me rappelle des souvenirs
En me donnant des désirs.

by Andrea Gorys (Law I)

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Des cauchemars de la vie
Elle qui vient comme un éclair
Pour m’immerger dans l’existence.

Ta lumière qui brille
Au fond de toi
Et qui se rapproche
De la chaleur du soleil.

Ta lumière qui me donne espoir
Et qui m’inspire
Qui me rappelle des souvenirs
En me donnant des désirs.

by Andrea Gorys (Law I)

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Just the Facts, Mam: Of Truth and Bullshit

by Jason MacLean (Law III)

Just the facts. It is indubitably true that no one much cares for the truth anymore. Few, at least, are willing to stand up for – much less demand – poor old embattled and weathered truth, not in polite company at least. Truth, Emerson said, is our element. Mark Twain, going one better, said that truth is mighty and will prevail. “There is nothing the matter with this,” Twain added, “except that it ain’t so.” Truth, like nostalgia, isn’t what it used to be.

‘Just the facts, ma’am’ – I can’t remember where or when I first heard the expression, and only recently did I bother to find out its origin: a 1960s television cop show called *Dragnet*. Somehow the expression has survived in our collective unconsciousness, and I’m sure most of you are familiar with it (if not the show). An innocuous enough expression, you might think. Upon closer scrutiny, however, it tells a good deal about the pitiable, enervated state of public discourse and so-called civil society. The phrase announces nothing less than a veritable *malaise* And so it goes (with an appreciative nod to Mr. Vonnegut).

Just the facts, ma’am. I have not seen *Dragnet*, so I cannot tell whether the character that utters the phrase is serious or not, but it is clear that the phrase could only be used ironically now. “Just the facts, ma’am,” as if to make fun of the very idea that facts any longer exist, or the idea that they ever did, that they were ever severable from values and perspectival colouring. Perhaps the statement was originally ironic, but it was more likely simply condescending.

Consider the context: 1960s mainstream oligopolized network television-audience America. A presumably male cop interrupting, correcting, and re-directing an adult female witness to a crime. “Just the facts, ma’am,” – not all that hysterical nonsense. *Just* (implied limitation, restriction, discipline, choice, sacrifice, fairness, stakes, consequences) + *the* (definite article, determinable class; anything most definitely does *not* go; the genuine article) + *facts* (empirical sense-data? what you know, not merely what you *think*, what you *want*? the ... Truth? how quaint) + *ma’am* (inevitably, unavoidably ironic, a wink and nod to the gendered character of discourse, power-laded stereotypes about men’s versus women’s – *i.e.*, ladies’ – speech patterns and the latter’s supposed predilection for “juicy gossip” as opposed to cold, colourless, neutered, unmarked facts; euphemism; one level above, perhaps, lawyers’ truth: “The lawyer’s truth is not Truth, but consistency or consistent expediency”).

Just the facts, Lewis Lapham (clearly bemused): “If we have learned nothing else from the events of the past few years, it’s the lesson about the facts being less important than the ways in which they’re presented and perceived.”

The mesmerizingly good jazz pianist and self-described Buddhist, Herbie Hancock, says he cares little for mass appeal (indeed, he says: “I think it is more important to appreciate oneself and not depend upon external appreciation”) but admits that he dyes his hair. You can

buy his latest album, “Possibilities,” at Starbucks. Asked why he produced his album for the Starbucks’ *Hear Music* label, Hancock said, “It’s a fantastic business opportunity. Everyone goes to Starbucks.” Asked whether he had a computer in his office, postmodern capitalist extraordinaire Dennis Kozlowski said, “Yes, but just for show.”

Just the facts, Alfred North Whitehead (anticipating Donald Rumsfeld): “There are no whole truths: all truths are half-truths.” Thus, even the half-truth that there are no whole truths is only a half-truth, that is, a quarter-truth? We’re sinking fast.

Just the facts, Democritus (insert loud voice-clearing here): By convention there is time, by convention there is space, but in reality there is ... (voice trailing off) ...

Just the facts, Josh Billings (a.k.a. Henry Wheeler Shaw): “As scarce as truth is, the supply has always been in excess of the demand.” At last, the root of the problem, what pop singer Beck warned against in “Loser” when he counseled “don’t believe everything that you breathe.” Or consider Richard Posner’s explanation of the embattled news media in the United States:

[...] increased competition [from internet media] has not produced a public more oriented toward public issues, more motivated and competent to engage in genuine self-government, because there are not the goods that most people

are seeking from the news media. They are seeking entertainment, confirmation, reinforcement, emotional satisfaction.

Just the facts, judge-man: Posner goes on, of course, to defend markets ("and what consumers want, a competitive market supplies, no more, no less," which merely begs – and trivializes – the question) but the so-called market for ideas is not, *pace* Justice Holmes, the issue here: it is neither the cause nor the effect nor the solution to the problem of truth's not only political, but plastic, form. The preeminent barbarism of truth's new dispensation, rather, is the commonplace "it's all relative." Even, of course, the statement that "it's all relative" must itself be

relative, as is that statement, and that one, and that one, and ... forget the turtles, professor, it's bullshit all the way down.

Just the facts, Paul Wolfowitz, who, in response to the statement that the World Bank ought to invest more in impoverished countries than in rich ones, said: "I don't think so. I need to understand that one better."

Just the facts, Mr. Mulroney: "I led a revolution. I never thought I would, but I did, because this was a revolutionary time. Now we have a united Germany in NATO and the Warsaw pact and so on. During the Meech Lake discussions, I was brokering this with Bush and Gorbachev right in Ottawa....This place [Ottawa] is sick. This is really a

sick town...there's something in the air that transforms people from supplicants to sinners overnight." Not exactly a long journey, Mr. Prime Minister.

Just the facts, Harry Frankfurt: Bullshit is worse than a lie, because at the very least, a lie implicates and acknowledges (by negating) the truth; a lie avoids the truth and thereby reaffirms its importance, its power, its *possibility* (as Gide put it: "Believe those who are seeking the truth; doubt those who find it"). Bullshit, by contrast, is marked by absolute indifference to truth altogether. For the Bullshitter, truth isn't even dead. Truth never existed in the first place. And that's a fact. ■

Okay, so here's how it works:

Step one: You have an idea, opinion, commentaire, reply, poème, event, cartoon, sports report, movie review, aunt's secret kugel recipe....

Step two: You write about said idea, opinion, etc.

Step three: Vous nous envoyez votre opus, à quid.law@mcgill.ca.

Step four: Wait for Tuesday's distribution of the Quid, read your article, and send it to grandma (she'll be so proud!)

Step five: Repeat steps one through four until we start sending you polite messages to leave us the heck alone.

See? How easy is that?

SUBMIT TO THE QUID!
Deadline Thursdays at 5:00
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There's Nothing Quite So Satisfying as a Good, Healthy Rivalry...The Malpractice Cup is BACK!

by Kara Morris, LSA VP Athletics (Law II)

It's that time of year again. Time to curl up with a book and read about the Wrongs of Tort. As the leaves begin to change colour, you can still enjoy the warmth of the sun while sitting on the steps of the Law library. But what's this? It's a bird, it's a plane, it's...a medical student??

Yes, this Saturday, Oct. 1st, the medical students from up the hill-those gluttons for punishment-will disturb our peace and quiet, interrupt our readings, and challenge us to the Malpractice Cup. "Challenge us?" you might ask, "how dare they!" They'll try to claim the Cup that the Law Faculty has won four out of the last six times we competed for it. So I say we challenge them right back, and show them what our obiter dicta are made of. Show up on the Reservoir field at noon on Saturday, and show those med students whose definition of professional negligence is superior!

McGill Faculty of Law v. McGill Faculty of Medicine [2005] Q.N. 12345

Facts:

On **Saturday October 1, 2005**, the Law students of McGill University will be taking on the Medical students to win this year's Malpractice Cup. The Malpractice Cup is a symbol of professional superiority and is the most prestigious award any faculty can display. The two faculties will compete against each other in a day of sports, trivia and fun games.

Issue:

Who will win the coveted Malpractice Cup?

Held/Ratio:

Schedule:

12:00 Registration and Welcome @ Reservoir field (across from Thompson House)
 12:30-1:00 Tug of War & Pop-Culture Trivia
 1:00-2:30 BBQ lunch
 2:00-3:00 Ultimate Frisbee and Dodgeball
 3:00-4:00 Soccer and Touch Football
 4:30 Wrap-up and crowning of the Malpractice Cup Champions
 9:00 Party @ Coco Bongo's, 3781 St. Laurent, just north of Pine.

Notes:

Cost: \$10 - included is a BBQ lunch, McGill Law Athletics T-Shirt and fabulous after-party.

Sign up at the LSA office or send an email to VP Athletics at kara.morris@mail.mcgill.ca

POINT: COME SHOW OFF YOUR ATHLETIC PROWESS AND SCHOOL SPIRIT IN THIS YEAR'S MALPRACTICE CUP!